

Ravalli

County
MONTANA

REGINA PLETTENBERG
RAVALLI COUNTY CLERK & RECORDER
215 SOUTH 4TH STREET, SUITE C
HAMILTON, MT 59840
(406) 375-6555

November 18, 2008

Jennifer Renth
1154 Highway 93 North
Victor, MT 59875

RE: Request for sale of gifted tract

Ms. Renth:

I am in receipt of your letter requesting to sell of the gifted parcel of land you received from your now ex-husband, James R. Renth, through a family transfer exemption. I am denying this request at this time. You may appeal this decision to our Board of County Commissioners.

If you have any questions, please do not hesitate to contact me.

Sincerely,



REGINA PLETTENBERG
Ravalli County Clerk and Recorder

cc: Commissioners
County Attorney

November 10, 2008

Regina Plettenberg
Clerk & Recorder's Office
215 S. 4th Street
Hamilton, MT 59840

Dear Ms. Plettenberg,


I am writing this letter in regards to a tract of land that was subdivided as part of a family transfer in 2007 for James and Jennifer Renth. Since that time, James and I have divorced. As part of the divorce settlement, I was given the 10 acres of land (family transfer) and James retained the home on 15 acres.

Last year, I used the land as collateral to purchase a log home company here in the valley. It was an existing business with over 35 years in operation. Due to the unforeseen drop in the log home market and construction in general, the business suffered greatly.

I am being forced to close the log home business and have a tremendous amount of debt from the purchase and operation of the business in 2008. I am unable to pay back the bank loan and have fallen behind in our taxes for the short time we had business. I have been searching for additional work in the Valley, but have not been able to find a position.

I had no plans of selling the property; however, due to my mounting debt load, closing of the business, etc. it looks like I may be forced to file for bankruptcy as well. I do not want to default on any of my debts. I have good credit and have always paid my bills. I am liquidating all of the business assets at this time, but things are not selling due to the slow economy. The assets also are not enough to pay back all the debt.

This land is the only asset I have that is of sufficient value to pay back the debt acquired from the business. I am asking that I be allowed to sell the property before the 3 years is over. I realize this is not part of the original agreement; however, I have no other options. Can you please review this matter and if you need me to provide more information I can do that. Thank you for your time and consideration.

Sincerely,

Jennifer Renth

NOV 12 2008

After Recording Return to:
Jennifer D. Renth
636 Wilcox Ln
Corvallis, MT 59828

Parcel No.-

QUIT CLAIM DEED – Short Form

FOR VALUE RECEIVED, **James R. Renth**, hereinafter called the Grantor does hereby convey, remise and release unto **Jennifer D. Renth**, whose address is: _____, hereinafter called Grantee, and to his/her/their heirs and assigns, the following described premises situated in Ravalli County, Montana, to-wit:

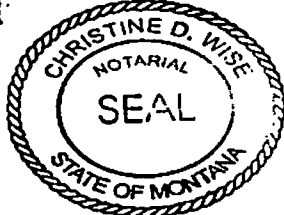
A tract of land located in and being a portion of the SW1/4 Section 34, Township 6 North, Range 21 West, P.M.M., Ravalli County, Montana, and being more particularly described as Parcel 2B, Certificate of Survey No. 600856-F.

Dated: 2/21/08

James R. Renth
James R. Renth

STATE OF Montana)
COUNTY OF Ravalli) SS.

This instrument was acknowledged before me on February 21 2008, by James R. Renth.



Christine D. Wise
NOTARY PUBLIC for the State of Montana
Print Name CHRISTINE D. WISE
Residing at Hamilton
My commission expires Sept. 25, 2011

CERTIFICATE OF SURVEY

PURPOSE: FAMILY TRANSFER

OWNER: JAMES R. RENTH

N 89° 40' 45" E 1272.89'

A PORTION OF THE SW¼,
SECTION 34, T6N, R21W, P.M.M.,
-RAVALLI COUNTY, MONTANA

LEGAL DESCRIPTION

A tract of land located in and being a portion of the SW1/4, Section 34, T6N, R21W, P.M.M., Ravalli County, Montana and being more particularly described as Parcel 2, Certificate of Survey No. 8164, containing 20.00 acres and all according to Certificate of Survey No. _____ Excepting and reserving any easements shown, also subject to all easements of record and as apparent upon the ground.

OWNERS CERTIFICATES

I hereby certify that the purpose of this division of land is to transfer Parcel 2B as shown on this certificate to Jennifer D. Benth, my wife; this division of land is exempt from review as a subdivision pursuant to Section 76-3-207(1)(b), MCA.

James R. Barth

Subscribed and sworn before me this 24th day of February, 2008 personally appeared James R. Renth known to me to be the person whose name is subscribed to this instrument.

Christine D. Wise
NOTARY PUBLIC FOR THE STATE OF MONTANA
residing at Hamilton
my commission expires 9.1.2020



~~CERTIFICATE OF CONVICTION~~

I hereby certify that this is a true and accurate description of a survey made by me or under my supervision during the month of August, 2007.

Dennis A. [Signature] Date 2-27-68
Dennis A. [Signature] Regional Land Surveyor, Montana Registration No. 37015

2B
10.00 ACRES

COS 337

2A
16.21 ACRES

2

COS 5144

WEST 1068.42'

BASIS OF BEARING

PREPARED BY

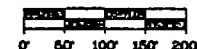
Applebury
Survey

DANIS APPLINBURT
PROFESSIONAL LAND SURVEYOR
616 HWY 63 VICTOR, MT. 59678
(406) 871-2867



COS 2641

COS 4764



● FOUND 1X PLASTIC CAP

■ FOUND 1½ ALUMINUM CAP

$\frac{1}{4}$	SEC	T	R
34	6N	2W	

CERTIFICATE OF SURVEY NO. _____

RAVALLI COUNTY, MONTANA
 SIGNED _____
 CLERK

STATE OF MONTANA RAVALLI COUNTY
RECORDED: 03/03/2008 9:09 CERT/SRVY
REGINA PLETTENBERG CLERK AND RECORD
PA 600857

600850 - F Page 1 of
FEB: 86.00



Ravalli County Planning Department
215 South 4th Street, Suite F
Hamilton, MT 59840
Telephone 406.375.6530 Fax 406.375.6531
OG-07-08-876

August 13, 2007

James R Renth
302 Black Bear Ln
Hamilton, MT 59840

Re: Subdivision Exemption Application (SEA -07-107)
Property Description: Parcel #762200 (Section 34, T6N, R21W/ Index 18
CS #5144-R Parcel 2)

Dear Mr Renth:

Ravalli County has examined your proposed subdivision exemption and determined that you can use the exemption on the above noted parcel for one family transfer: one to your wife, Jennifer D Renth, with a remainder parcel, as depicted on the application.

Please take notice that the County Subdivision Regulations 4-5-2 (e) state "The transfer or potential sale of the gifted tract created by the family gift or sale exemption within three years of creation of the tract will result in the presumption that the use of the exemption was adopted for the purposes of evading the MSPA and the recordation of the instrument of conveyance of a parcel created by family gift or sale within three years of creation may be subject to refusal of the Clerk and Recorder." In addition, MCA 76-3-207 (1)(b) states family transfers are "divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family." MCA 76-3-103 (8) "Immediate family" means a spouse, children by blood or adoption, and parents". Once a parcel is transferred to a family member, that person cannot receive another parcel in Ravalli County through the family transfer exemption.

IMPORTANT NOTICE REGARDING SUBDIVISION EXEMPTIONS: A determination by Ravalli County that a proposal is exempt from subdivision review does not constitute a substantive review of the proposal. The lots created or altered by exemption might not have legal or physical access, might not be eligible for a County road access permit, might not be able to use previous private access easements, might not be eligible for County well or wastewater treatment (septic system) permits, might not have access to utilities, and might not have any usable building site or beneficial economic use or value at all.

To complete the process of filing the survey in Ravalli County, you will need to do the following:

- Work with a professional land surveyor to complete a survey, the certificate of survey that uses this exemption to create a parcel for conveyance to a family member must show the name of the grantee, relationship to the landowner, the parcel to be conveyed under this exemption, and the landowner's certification of compliance [ARM 24.183.1104(1)(f)]. The landowner must provide evidence of the familial relationship between the proposed grantor and grantee.
- Work with the Ravalli County Environmental Health Department (375-6565) for instruction relative to the Department of Environmental Quality (DEQ) procedures for review of the lots (referred to as a Certificate of Subdivision Plat Approval) and/or provide a letter of approval from the Ravalli County Environmental Health Department for the exemption from DEQ review quoted or used on this survey.
- Research the property for covenants and zoning to guarantee that the proposed transfers meet those restrictions, if such restrictions exist.
- Pay all property taxes that have been assessed and levied on the land. (Note: If you submit your survey for filing after the tax notices have been mailed out, you will be required to pay the entire year's taxes.)

When you're ready to file the survey, please bring the following to the Clerk and Recorder's Office:

- The original of this letter.
- A copy of the "Notarized Request for Family Transfer Form" (Original is at the Planning Department).
- The appropriate recording fees.
- The survey (one paper copy, two mylar copies and a digital file of the survey).
- The original copy of the Certificate of Subdivision Plat Approval from the Montana Department of Environmental Quality (DEQ) and/or provide a letter of approval from Ravalli County Environmental Health Department for the exemption(s) from DEQ review quoted on the survey.
- A Deed which transfers one parcel to your wife and the appropriate recording fee.

This approval must be utilized within one year of the above date, unless you specifically request in writing a one-year extension.

Sincerely,



Tristan Riddell
Planner I

Cc: Project File - Subdivision Exemption Application (SEA - 07 - 107)
Ravalli County Environmental Health Department
Ravalli County Clerk & Recorder
Applebury Survey, 914 U.S. Highway 93, Victor, MT 59875

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Subdivision Exemption Application

Ravalli County Planning Department

Notarized Request for Family Transfer Form

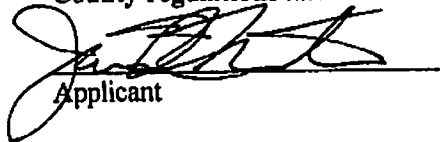
By signing this form, the applicant and the landowner acknowledges and agrees as follows:

This form will be recorded with the County Clerk and Recorder relative to the subject real property.

The transfer or potential sale of the gifted tract created by the family transfer exemption within three years of the creation of the tract will result in the presumption that the use of the exemption was adopted for the purposes of evading the MSPA and the recordation of the instrument of conveyance of a parcel created by family transfer within three years of creation may be subject to refusal of the Clerk and Recorder. There is no restriction regarding the remainder parcel.

Violation of the Montana Subdivision and Platting Act or the Ravalli County Subdivision Regulations is a misdemeanor per Section 76-3-105 MCA, and false statements to a public official may constitute a misdemeanor per Sections 45-7-202 and 45-7-203, MCA.

I swear and affirm that I have examined this form and to the best of my knowledge and belief, it is true, correct, and complete and is in compliance with all Montana State laws and Ravalli County regulations and resolutions.


Applicant

Applicant

STATE OF MONTANA

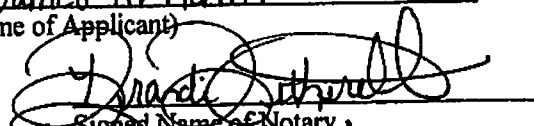
County of Ravalli

Subscribed to and sworn to (or affirmed) before me this 10 day
of July, 2007, by James R. Benth
(Name of Applicant)



(Seal)

BRANDI WETHERELT
NOTARY PUBLIC-MONTANA
Residing at Missoula, Montana
My Comm. Expires Dec. 1, 2008


Signed Name of Notary
Brandi Wetherelt
Printed Name of Notary
Notary Public for the State of Montana
Residing in Missoula
My Commission expires Dec. 1, 2008